Application of:

SLOO, Marshall A.                       )

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Serial No.: 09/259,427                  )        Docket No.: 27080

                                        )

Filed: February 26, 1999                )        Group Art Unit No.: 3628

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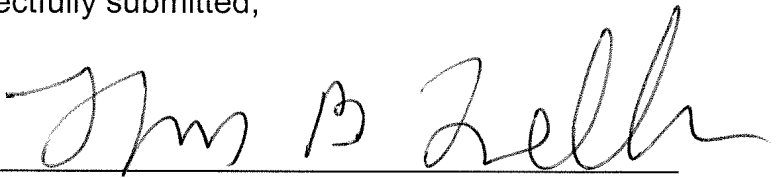Title:                                  )        Examiner: NGUYEN, NGA B

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INCIDENT REPORTING SYSTEM               )

AND METHOD                              )

# AMENDED APPEAL BRIEF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

SLOO, Marshall A. )
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Serial No.: 09/259,427 ) Docket No.: 27080
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Title: ) Examiner: NGUYEN, NGA B
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INCIDENT REPORTING SYSTEM )
AND METHOD )

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## AMENDED APPEAL BRIEF

In response to the Notice of Defective Appeal Brief dated March 20, 2007, Appellant's Amended Brief on Appeal in accordance with 37 C.F.R. § 41.37 is hereby submitted. This Amended Appeal Brief replaces the original Appeal Brief filed on April 21, 2005. The Examiner's rejections of claims 1–20 as last amended are herein appealed, and allowance of said claims is respectfully requested.

As the fee required by 37 C.F.R. §1.17(c) was previously submitted and prosecution was reopened prior to a decision on the merits by the Board of Patent Appeals and Interferences, Applicant believes no fee is currently due. See MPEP § 1208.02. However, any fee which is due in connection with this appeal should be applied against Deposit Account No. 19-0522.

Respectfully submitted,

By _____

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ATTORNEYS FOR APPELLANT

Following are the requisite statements under 37 C.F.R. § 41.37:

## I.     Real Parties in Interest

Marshall A. Sloo is the sole inventor of the claimed invention. No assignment has been executed, and thus Marshall A. Sloo is the real party in interest.

## II.     Related Appeals and Interferences

No related appeals or interferences are known to the Appellant which may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

## III.     Status of Claims

This application was filed on February 26, 1999, with 16 claims, of which claim 1 was independent. A first Office Action was mailed on September 25, 2001, rejecting claims 1-16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,043,813 to Stickney, in view of Official Notice taken by the Examiner. In response, a first amendment was filed wherein claim 1 was amended in order to highlight differences between the present invention and the prior art cited. In the first amendment, supporting arguments were made, the Official Notice was traversed, and applicant requested proof of the Official Notice. Additionally, four (4) new claims, claims 17-20, were added, with claims 17 and 20 being independent.

A second Office Action was mailed on March 12, 2002, rejecting claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,065,000 to Jensen, in

view of Official Notice taken by the Examiner. The second Office action was made final. In response, a request for reconsideration was filed wherein arguments were made highlighting differences in the claims and the prior art cited. In the request for reconsideration, the Official Notice was again traversed and Applicant again requested proof of the Official Notice.

An advisory action was mailed on May 22, 2002, responding to arguments regarding claims 1, 2, and 6-10. No mention was made of claims 3-5 and 11-20. In response, a first Notice of Appeal was mailed on July 12, 2002. A first appeal brief was mailed on September 6, 2002, hereby incorporated into the present appeal brief by reference.

A third Office Action was issued February 3, 2003, thereby reopening prosecution and rejecting claims 1-20 under 35 U.S.C. § 112, second paragraph, citing language that was in the claims as originally filed and not previously mentioned. In a telephonic interview conducted on February 12, 2003, the Examiner agreed to file an Examiner's amendment and issue a notice of allowance as no other grounds for rejection existed. Over the course of the next three months, the Examiner delayed and finally recanted. Therefore, on May 2, 2003, Appellant was forced to file a second amendment in order to overcome the § 112 rejections.

A fourth Office Action was issued October 7, 2003 rejecting claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,510,978 to Colgan, in view of U.S. Patent No. 6,173,284 to Brown and statements by the Examiner of what is well known in the art. In response, a second appeal brief was submitted and reinstatement of the appeal was requested, wherein the second appeal brief is hereby incorporated into the present appeal brief by reference.

A fifth Office Action was issued May 19, 2004, thereby reopening prosecution and rejecting claims 1-8, 11, 17, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Scott Maier, *Long Arm of Law is Going Online*, SEATTLE POST-INTELLIGENCER, August 6, 1996, at A1, in view of Carlos Campos, *911 Steps Up to Computer-Aided Dispatch*, THE ATLANTA JOURNAL-CONSTITUTION, April 10, 1996, at 1J. Claims 9, 10, 12-16, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maier in view of Campos and Colgan, U.S. Patent No. 5,510,978. In response, an amendment was filed August 12, 2004, amending claims 1, 7, 8, 17, and 18 to more clearly distinguish the invention from the prior art.

A final Office Action was issued November 24, 2004, rejecting claims 1-8, 11, 17, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Maier in view of Campos. Claims 9, 10, 12-16, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maier in view of Campos and Colgan, U.S. Patent No. 5,510,978. In response, a Notice of Appeal was filed February 24, 2004 and reinstatement of the appeal is hereby requested.

Claims 1-20 are currently pending and the rejections of these claims are appealed.


## IV.     Status of Amendments

No amendments have been filed subsequent to final rejection.

## V.     Summary of Claimed Subject Matter

The present invention concerns a computer based method and program for receiving, collecting, and processing incident reports provided by witnesses. (Page 1, lines 31–33). The method broadly comprises the steps of receiving information directly into a computer system from a witness who observed an incident committed by an offender, prompting the witness to enter certain types of information about the incident, selecting an authority based on the information entered by the witness, and sending the incident report to the selected authority so that the authority can respond to the incident report. The present invention encourages witnesses to submit incident reports because it does not require them to know or identify to whom the incident report should be sent. (Page 2, lines 1–12).

After the witness has entered information into the incident report, the authority to whom the incident report should be sent is selected. The authority may be selected by the witness, automatically by the program, or a combination of the two. (Page 6 lines 25–32). Thus, if the witness does not know who the appropriate authority is, the program may automatically select the authority based on the information entered by the witness. Additionally, if the witness requests to send the incident report to a particular authority, the program may evaluate the information entered by the witness and determine that the incident report should also be sent to another authority. (Page 7, lines 2–8).

The present invention expressly identifies and seeks to address a particular problem in the prior art. Specifically, people often do not report incidents to the appropriate authority, making it difficult for the appropriate authority to act on the incidents.

Thus, it will be appreciated that the present invention's field of endeavor relates to a method of receiving incident reports provided by witnesses, selecting an appropriate authority based on information in the incident reports, and sending the incident reports to the appropriate authority so that they may be acted upon in an efficient and more convenient manner than is provided for by the prior art.

### Grounds of Rejection to be Reviewed on Appeal

1. Claims 1–8, 11, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maier in view of Campos.

2. Claims 9, 10, 12–16, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maier in view of Campos and Colgan.

## VI. Arguments

### A. Summary of Maier Reference

Maier is a brief article reporting on how various police departments use the Internet to fight crime and locate suspects. The article gives little detail about the particular programs or web sites, but does mention that "[o]n the Internet, citizens anonymously report drug dealers to the cyberpolice, check out crime in their neighborhoods, calculate their risk of being murdered and communicate directly with the chief of police." (Maier, page 1). The article further explains that some such systems provide information about police logs, including crimes that have been committed, and are used to facilitate communications among police officers themselves. (*Id.*, page 2). The article further

explains that "most law-enforcement Internet efforts are aimed at opening communications with the public," and that one system allows citizens to file complaints and crime reports online. (*Id.*, page 3).

Importantly, Maier only discloses systems that enable communications between citizens and a police department, essentially replacing the previous methods of hand-writing a crime report or calling the police department with an electronic system for doing the same.

## B. Summary of Campos Reference

Campos is also a brief article and discloses a computer-aided dispatch (CAD) system implemented as part of a 911 system. The CAD system assists 911 call takers by allowing them to enter call information into a computer rather than hand-writing it on a card. (Campos, page 1). Once the information is entered into a computer, "that information is electronically sent to a master computer, and then dispatched into a police officer's cruiser, a firefighter's truck or a paramedic's ambulance, depending on the nature of the call." (*Id.*).

Importantly, the CAD system disclosed in Campos requires at least two people to operate: a call-taker and a dispatcher. "Call-takers enter into the computers such information as the type of call (police, fire or medical) . . . " wherein the "information is then processed by a dispatcher, who quickly decides what type of response is appropriate for the incident." (*Id.*) Thus, the CAD system does not remove the need for human workers, but merely facilitates the recording and communication of information between the human workers.

The CAD system further tracks on-duty police officers and firefighters by maintaining a list officers and their status on a computer. For example, "it may show that a beat officer is eating lunch or already answering a call. In that event, the nearest officer would be sent instead." (*Id.*, pages 1–2).

## C. Summary of Colgan Reference

Colgan discloses a computer system for assisting a community police officer (CPO) in implementing a community policing program. (Colgan, abstract). The computer system replaced the previous system of using a loose-leaf notebook, referred to as a "beatbook," wherein the beatbook was used by the officer, who would update various forms in the beatbook relating to the officer's communication with members of the community and the officer's supervisors, problems encountered, information gathered, and plans to address problems. (*Id.*, col. 2, lines 21–40; col. 6, lines 20–32; fig. 10). Thus, the computer system stores supervisor comments and allows the officer to view the comments electronically (*id.*, col. 7, lines 25–37; Fig. 3) and provides various electronic tools for documentation, investigation, and resources (*id.*, col. 7, line 55 – col. 8, line 25; Fig. 4).

The system enables the officer to view crime reports lodged by citizens. (*Id.*, col. 16, lines 10–24). The system allows the officer to search the reports by various types of criteria, such as date, time of date, location, type of crime, type of victim, type of perpetrator, etc. (*Id.*, col. 16, lines 25–55). It should be noted that the crime reports are generated according to a traditional procedure that "almost every police department will have." (*Id.*, col. 16, line 13).

The system also includes a tool for generating a report useful to assist the officer in investigations. (*Id.*, col. 17, lines 31–50). The system enables the officer to choose information that will appear in the reports, such as information collected by the documentation, investigation, and resource tools. (*Id.*) It should be noted that this report is generated *by the system* and *for the officer*, to "assist the [officer] in his investigative function." (*Id.*, col. 17, lines 32–33).

## D.    Summary of Arguments

Appellant respectfully submits that the Examiner's rejections should not be sustained because:

1.    the Examiner has failed to identify a prior art reference or combination of references that teaches or suggests all the claim limitations.

## E.    Legal Discussion of Obviousness

Obviousness can be a problematic basis for rejection because the Examiner, in deciding that a feature is obvious, has the benefit of the Applicant's disclosure as a blueprint and guide. In contrast, one with ordinary skill in the art would have no such guide, in which light even an exceedingly complex solution may seem easy or obvious. Furthermore, once an obviousness rejection has been made, the Applicant is in the exceedingly difficult position of having to prove a negative proposition (i.e., non-obviousness) in order to overcome the rejection. For these reasons, MPEP § 2142 places upon the Examiner the initial burden of establishing a *prima facie* case, which requires, among other things, that there be identified some motivation or suggestion in the prior art

or in the knowledge of one with ordinary skill to modify the reference or to combine reference teachings. If the Examiner fails to establish the requisite *prima facie* case, the rejection is improper and will be overturned. *See In re Rijckaert,* 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). Only if the Examiner's burden is met does the burden shift to the Applicant to provide evidence to refute the rejection.

More specifically, three criteria must be satisfied in order to establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine their teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all the claim limitations. *See* MPEP §706.02(j), citing *In re Vaeck,* 20 USPQ2d 1438 (Fed. Cir. 1991). Furthermore, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch,* 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992) (reversing an obviousness rejection where there was no suggestion to modify a prior art mower strip to make it entirely flexible as required by applicant's claims toward a flexible landscape edging strip); *see also In re Gordon,* 221 USPQ2d 1125, 1127 (Fed. Cir. 1984). Additionally, "if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP § 2143.01. Further yet, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the

teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In meeting this initial burden, the Examiner "cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). Both the teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the applicant's disclosure. *See In re Vaeck*, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). Thus, "[m]easuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field." *See e.g., W. L. Gore & Assoc., Inc. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983).

**F.    The Examiner has failed, with regard to the rejections of claims 1, 17, and 20 under 35 U.S.C. § 103(a) over Maier in view of Campos, to establish the requisite *prima facie* case of obviousness by citing a combination of references that teaches or suggests the claim limitation *selecting an authority to whom the incident report should be sent, wherein the authority is selected based at least in part on information provided by the witness and wherein the authority is automatically selected by the computer system based on information entered into the incident report by the witness.***

The Examiner concedes that Maier does not disclose the recited language, but argues that Campos discloses it. (Office Action dated November 24, 2004, page 7). In particular, the Examiner asserts that

> Campos discloses a new computer-aided dispatch system (CAD) allows the call-takers enter incident data on a computer screen, that information is electronically sent to a master computer, and then dispatched into a police officer's cruiser, a firefighter's truck or a paramedic's ambulance, depending on the nature of the call. Thus, the master computer dispatched the incident information into a police officer's cruiser, a firefighter's truck or a paramedic's ambulance, depending on the nature of the call, i.e. the master computer selects authority (a police officer's cruiser, a firefighter's truck or a paramedic's ambulance) to send the incident information. In Campos, a dispatcher decides what type of response is appropriate for the incident, the master computer is the one who selects authority and sends the incident information to the selected authority. Moreover, Campos also teaches the CAD system is the ability to keep track of on-duty police officer's and firefighter's through the computer, a list on a computer shows the status of each officer, computer selects the nearest officer to send the incident information in case an officer is answering a call or eating lunch (see page 2). Therefore, Campos does teach the authority is automatically selected by the computer system. (*Id.*, pages 2–3).

Appellant respectfully disagrees. The assertion that "the master computer is the one who selects the authority" is patently incorrect. Campos does not teach that a computer selects an authority, but merely states that "information is electronically sent to a master computer, and then dispatched into a police officer's cruiser, a firefighter's truck or a paramedic's ambulance, depending on the nature of the call." Campos further explains how the information is dispatched: "The information is then processed by a *dispatcher*, who quickly *decides what type of response is appropriate* for the incident." Thus, the system of Campos involves two people: a *call-taker* who receives the call and electronically submits the type of call such as police, fire or medical, and a *dispatcher*, who dispatches an officer, an ambulance, etc.

The Examiner's explanation that the dispatcher merely "decides what type of response is appropriate for the incident" is not supported by the article itself and is in contention with the plain meaning of the term "dispatcher." The dictionary defines "dispatch" as "to send off or away (as to a special destination) with promptness or speed often as a matter of official business." (WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 653 (1993)). Furthermore, "dispatcher" is defined as "one that receives information about crimes and transmits it by radio to police patrols." (*Id.*). Therefore, the Examiner's assertion that the dispatcher merely "decides what type of response is appropriate for the incident" is contrary to the teachings of the article itself as well as the plain meaning of the term.

Furthermore, while Campos discloses that the computer keeps track of on-duty police officers and firefighters, it clearly does not disclose that the computer selects a police officer or firefighter to dispatch. Rather, Campos teaches that a "*list* on the computer *shows* the status of each officer," and simply that "the nearest officer would be sent." (Emphasis added). Note that the computer does not *use* the status of each officer, but rather *shows* it. Clearly the list is shown to the dispatcher, who "decides what type of response is appropriate" by selecting an officer to send to the scene.

As explained above in subsection "B," the system disclosed in Campos is fundamentally different than the invention of claims 1, 17, and 20 in that the system of Campos merely assists human 911 workers by allowing call takers to record information electronically (as opposed to writing the information on cards) and communicate the information electronically to dispatchers (as opposed to physically taking the cards to the dispatchers). Campos does not contemplate the much more robust functionality of the

invention of claims 1, 17, and 20, including a computer system that receives information directly from a witness and, based on that information, automatically selects an authority and sends the information to the authority.

In view of the foregoing discussion it is clear that in interpreting the prior art references the Examiner is guided by impermissible hindsight vision afforded by the application invention and is forcing Campos to teach something that it does not. The combination of Maier and Campos does not teach or suggest all the limitations of claims 1, 17, and 20, therefore the rejection of those claims cannot be sustained.

**G.     The Examiner has failed, with regard to the rejections of claims 5 and 6 under 35 U.S.C. § 103(a) over Maier in view of Campos, to establish the requisite *prima facie* case of obviousness by citing a combination of references that teaches or suggests the claim limitations of (1) *the additional information being obtained by searching files accessible by the computer system based on the identification information entered by the witness* and (2) *the additional information being obtained by receiving the additional information from the authority based on the information entered by the witness.***

Claims 5 and 6 depend indirectly from claim 1, therefore the arguments set forth above in relation to claim 1 also apply to claims 5 and 6. The Examiner has further failed to establish a *prima facie* case of obviousness with respect to claims 5 and 6 because each of those claims includes additional limitations that are not taught or suggested by the prior art. For example, the prior art references of record do not teach or suggest the step of "receiving additional identification information identifying the offender and adding the additional identification information to the incident report" (as claimed in intermediate claim 4), wherein the additional information is obtained by "searching files accessible by the

computer system based on the identification information entered by the witness" (as claimed in claim 5) or "receiving the additional information from the authority based on the information entered by the witness" (as claimed in claim 6).

The Examiner concedes that neither Campos nor Maier discloses the limitations of claims 5 and 6, but argues that

> it is well known in the art to receive additional information about the offender by searching the computer system or receiving from the authority. For example, a police officer can obtain more information about the offender by searching the computer database or receives from the other resource such as individuals, groups of influence in the community organizations, etc. . . . Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature above in Maier modified by Campos for the purpose of providing more information about the offender in order to quickly solve ongoing crimes. (Office Action dated November 24, 2004, pages 8–9).

Appellant respectfully disagrees. The computer-based method of claims 5 and 6 does not simply "receive additional information about the offender," but, among other things, receives an incident report "directly from a witness" and adds additional information to the report "identifying the offender," wherein the additional information is gathered by searching files or is received from the authority. Therefore, the computer system supplements information received directly from the witness with additional information about the offender and automatically selects an authority based on the information supplied by the witness. This combination is clearly not taught or suggested by the prior art references of record, nor is it well known in the art.

**H.** **The Examiner has failed, with regard to the rejections of claims 7, 8, and 18 under 35 U.S.C. § 103(a) over Maier in view of Campos, to establish the requisite *prima facie* case of obviousness by citing a combination of references that teaches or suggests the claim limitations of (1) *the authority is an agency selected from the group consisting of a local police department, a local prosecutors office, the Federal Bureau of Investigation, and the Central Intelligence Agency* and (2) *the authority is a government agency rather than an individual agent representing the agency.***

Claims 7, 8, and 18 depend directly from claims 1 and 17, therefore the arguments set forth above in relation to claims 1 and 17 also apply to claims 7, 8, and 18. The Examiner has further failed to establish a *prima facie* case of obviousness with respect to claims 7, 8, and 18 because each of those claims includes additional limitations that are not taught or suggested by the prior art. For example, the prior art does not teach or suggest the steps of selecting a particular agency, as recited in claim 7, or an agency rather than an individual, as recited in claims 8 and 18.

Again, the Examiner concedes that neither Campos nor Maier disclose the limitations of claims 7, 8, and 18, but argues that

> transmitting an incident report depends on the type and how serious of the incident to the selected agency from different agencies such as a local police department, a local prosecutor's office, the Federal Bureau of Investigation, the Central Intelligence Agency, a government agency, is well known in the art of handling the crime incidents in the United States of America. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above in Maier modified by Campos for the purpose of providing more efficiency in solving ongoing crimes. (Office Action of November 24, 2004, page 9).

Appellant respectfully disagrees. The claimed invention involves a computer-based method including the step of "selecting an authority . . . wherein the authority is *automatically* selected by the computer system based on information entered into the

incident report by the witness." Therefore, even assuming that "transmitting an incident report depends on the type and how serious of the incident . . . is well known" as the Examiner asserts, it certainly is *not* well known to *automatically* select such an authority based on a report entered *directly* by a *witness*. The latter step involves, among other things, programming a computer to both determine the appropriate authority based on the report, and automatically sending the report to that authority.

Furthermore, even assuming that Campos does disclose a computer that automatically selects an officer or vehicle from a group of officers or vehicles (as the Examiner argues), that is quite a different proposition than selecting an *authority*. The system disclosed in Campos clearly relies on human input (from the call-taker and the dispatcher) to determine the type of call (police, fire or medical) and to "decide what type of response is appropriate for the incident." The inventions of claims 7, 8, and 18 are much more robust in that they automatically select an *authority*, not just a particular *officer* or *vehicle*, to whom the incident report must be sent.

I. **The Examiner has failed, with regard to the rejections of claims 15 and 16 under 35 U.S.C. § 103(a) over Maier in view of Campos, to establish the requisite *prima facie* case of obviousness by citing a combination of references that teaches or suggests the claim limitations of (1) *sending the additional identification information to the witness* and (2) *prompting the witness to update the incident report based on the additional identification information.***

Claims 15 and 16 depend indirectly from claim 1, therefore the arguments set forth above in relation to claim 1 also apply to claims 15 and 16. The Examiner has further failed to establish a *prima facie* case of obviousness with respect to claims 15 and 16

because each of those claims includes additional limitations that are not taught or suggested by the prior art.

The Examiner again concedes that none of the prior art references of record disclose the limitations of claims 15 and 16, but argues that

> contacting the witness to receiving more information about the offender is well known, moreover, conventional electronic message allows people to send and receive messages over the computer network. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above with Maier modified by Campos and Colgan for the purpose of allowing the witness to receive and update information in order to assist the authority to solve crimes. (Office Action dated November 24, 2004, page 11).

Appellant respectfully disagrees. Even assuming that the broad concept of contacting a witness to receive additional information is well known, the invention of claims 15 and 16 comprises several elements the combination of which most certainly is *not* well known in the art. The computer-based method of the invention of claims 15 and 16 involves the steps of, among other things, receiving into a computer system an incident report directly from a witness, automatically selecting an authority to which the report is sent, permitting persons to view all incident reports, receiving additional information from the persons, and sending the additional information to the witness.

It should be noted that these steps are implemented as part of a single computer-based method, therefore, such steps are not only integrated into a single process, but are implemented by a computer and therefore are performed automatically. This clearly presents a distinct advance in the art which, according to the Examiner's assertion, relied in the past on "conventional electronic messages" such as e-mail.

## J.     Conclusion

The Examiner has failed, with regard to the rejection of claims 1, 17, and 20 under 35 U.S.C. § 103(a) to establish the requisite *prima facie* case of obviousness by citing a reference or combination of references that teach or suggest the claim limitation "selecting an authority to whom the incident report should be sent, wherein the authority is selected based at least in part on information provided by the witness and wherein the authority is automatically selected by the computer system based on information entered into the incident report by the witness."

Furthermore, the Examiner has failed, with regard to the rejections of claims 5 and 6 under 35 U.S.C. § 103(a), to establish the requisite *prima facie* case of obviousness by citing a combination of references that teaches or suggests the claim limitations of "the additional information being obtained by searching files accessible by the computer system based on the identification information entered by the witness" and "the additional information being obtained by receiving the additional information from the authority based on the information entered by the witness."
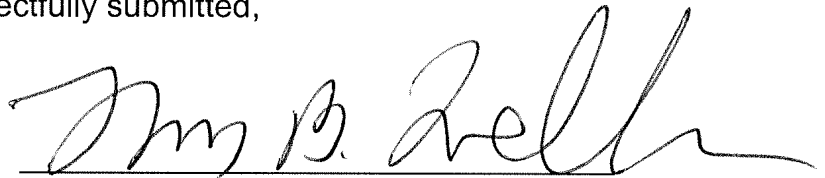
Furthermore, the Examiner has failed, with regard to the rejections of claims 7, 8, and 18 under 35 U.S.C. § 103(a), to establish the requisite *prima facie* case of obviousness by citing a reference or combination of references that teaches or suggests the claim limitations of "the authority is an agency selected from the group consisting of a local police department, a local prosecutors office, the Federal Bureau of Investigation, and the Central Intelligence Agency" and "the authority is a government agency rather than an individual agent representing the agency."

Finally, the Examiner has failed, with regard to the rejections of claims 15 and 16 under 35 U.S.C. § 103(a), to establish the requisite *prima facie* case of obviousness by citing a reference or combination of references that teaches or suggests the claim limitations of "sending the additional identification information to the witness" and "prompting the witness to update the incident report based on the additional identification information."

Accordingly, reversal of the Examiner's rejections is proper, and such favorable action is solicited.

Respectfully submitted,

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ATTORNEYS FOR APPELLANT

## VII. Appendix

1. A computer-based method of collecting and processing incidents observed by witnesses comprising the steps of:

receiving into a computer system an incident report directly from a witness who observed an incident committed by an offender;

prompting the witness to provide certain types of information about the incident;

selecting an authority to whom the incident report should be sent, wherein the authority is selected based at least in part on information provided by the witness and wherein the authority is automatically selected by the computer system based on information entered into the incident report by the witness; and

sending the incident report to the authority so that the authority can respond to the incident report.

2. The method as set forth in claim 1, the incident being selected from the group consisting of a criminal act, a legal violation, a sale of a defective product, and a rendering of unsatisfactory service.

3. The method as set forth in claim 1, further including the step of prompting the witness to enter into the incident report identification information identifying the offender.

4. The method as set forth in claim 1, further including the step of receiving additional identification information identifying the offender and adding the additional identification information to the incident report.

5. The method as set forth in claim 4, the additional information being obtained by searching files accessible by the computer system based on the identification information entered by the witness.

6. The method as set forth in claim 4, the additional information being obtained by receiving the additional information from the authority based on the information entered by the witness.

7. The method as set forth in claim 1, wherein the authority is an agency selected from the group consisting of a local police department, a local prosecutors office, the Federal Bureau of Investigation, the Central Intelligence Agency.

8. The method as set forth in claim 1, wherein the authority is a governmental agency rather than an individual agent representing the agency.

9. The method as set forth in claim 1, further including the step of receiving into the computer system an action report from the authority explaining the action the authority took in response to the incident report.

10. The method as set forth in claim 9, further including the step of storing the action report along with the incident report in a file accessible by the computer system.

11. The method as set forth in claim 1, wherein the incident reports from a plurality of different witnesses are received in the computer system.

12. The method as set forth in claim 11, further including the step of storing the incident reports in a searchable database.

13. The method as set forth in claim 12, further including the step of permitting persons to access the searchable database to view the incident reports.

14. The method as set forth in claim 13, further including the step of receiving additional incident information from the persons that access the searchable database and adding the additional incident information to the incident reports to assist the authorities.

15. The method as set forth in claim 14, further including the step of sending the additional identification information to the witness.

16. The method as set forth in claim 15, further including the step of prompting the witness to update the incident report based on the additional identification information.

17.   A computer-based method of collecting and processing incidents observed by witnesses comprising the steps of:

receiving into a computer system an incident report directly from a witness who observed an incident committed by an offender;

prompting the witness to enter certain types of information about the incident into the computer system, the information including identification information identifying the offender;

selecting an authority to whom the incident report should be sent, wherein the authority is selected based at least in part on information entered by the witness and wherein the authority is selected by the computer system based on information entered into the incident report by the witness; and

sending the incident report to the authority so that the authority can respond to the incident report.


18.   The method as set forth in claim 17, wherein the authority is a governmental agency rather than an individual agent representing the agency.


19.   The method as set forth in claim 17, further including the steps of receiving an action report from the authority explaining what action was taken in response to the incident report and allowing the witness to view the action report.

20.   A computer-based method of collecting and processing incidents observed by witnesses comprising the steps of:

receiving into a computer system an incident report directly from a witness who observed an incident committed by an offender, wherein the witness does not know to whom the incident report should be sent;

prompting the witness to enter certain types of information about the incident into the computer system, the information including identification information identifying the offender;

selecting an authority to whom the incident report should be sent, wherein the authority is selected by the computer system based at least in part on information entered by the witness;

sending the incident report to the authority so that the authority can respond to the incident report;

receiving an action report from the authority explaining what action was taken in response to the incident report; and

storing the action report in a searchable database.

## VIII. Evidence Appendix

None.

## IX. Related Proceedings Appendix

None.